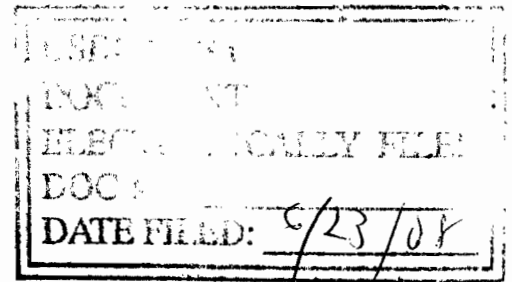


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
:  
**DERRICK JAMES,**

**Plaintiff,**

**ORDER**

**- against -**

**08 Civ. 4293 (SAS)**

**C.O. HERNANDEZ, et al.,**

**Defendants.**  
-----X

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

A review of the Court records indicates that the complaint in this action was filed on May 7, 2008, and that there is no proof of service of the summons and complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice, as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The plaintiff is directed to have the summons and complaint promptly served on the defendants by filling out and forwarding to the U.S. Marshal the forms provided to plaintiff by the Pro Se office. If service is not made upon the defendants or plaintiff fails to show good cause why such service has not been effected by

September 8, 2008, the Court will dismiss the action.

The Pro Se Clerk at the United States Courthouse, 500 Pearl Street, New York, New York 10007, telephone number (212) 805-0175, may be of assistance in connection with court procedures but cannot give legal advice.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
June 20, 2008

**- Appearances -**

**Plaintiff (Pro Se):**

Derrick James  
# 08-A-2148  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953